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10 *Attorneys for State of Nevada*

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA
13

14 KEVIN ZIMMERMAN, an individual

15 Plaintiff,

16 vs.

17 GJS GROUP, INC.,

18 Defendant,

19 vs.

20 STATE OF NEVADA, ex rel.
ADAM PAUL LAXALT, Attorney General

21 Defendant-Intervenor.

Case No.: CV:2-17-00304-GMN-GWF

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS**

22 Plaintiff Kevin Zimmerman, through its counsel Whitney Wilcher, and the
23 Defendant-Intervenor State of Nevada *ex rel.*, the Nevada Attorney General (the "State"),
24 through its counsel Chief Deputy Attorney General Mark Krueger and Senior Deputy
25 Attorney General Lucas Tucker, hereby move this Court for an Order staying all
26 proceedings. The State previously filed a Motion to Consolidate this action with all other
27 actions filed by Plaintiff that are still pending in the District of Nevada (ECF 37), and a
28 stay of proceedings in the instant action would be appropriate until the Court's ruling on

1 that motion and consideration of, or ruling on, any subsequent dispositive motions filed
2 by the State.

3 I. BACKGROUND

4 On August 8, 2017, the State filed a Motion to Intervene for Limited Purposes in
5 the instant action (ECF 28; “MTI”). On October 11, 2017, the Court issued an Order
6 (ECF 35) granting the MTI and permitting the State to proceed with its efforts for
7 consolidation. On October 17, 2017, the State filed its Motion to Consolidate Cases for
8 Limited Purposes (ECF 37; “MTC”). The MTC has been fully briefed by the Plaintiff and
9 the State, but the Court has not yet ruled on the State’s request to consolidate cases for
10 limited purposes.

11 If the Court grants the MTC, the State intends to file one or more dispositive
12 motions at the appropriate time(s) to dismiss all consolidated cases based on (i) alleged
13 lack of subject-matter jurisdiction (i.e., Plaintiff’s alleged lack of standing), and (ii)
14 alleged failure by the Plaintiff to state claims upon which relief can be granted. The
15 parties anticipate that, if the Court grants the MTC, the instant case would be among
16 those cases consolidated by the Court for these purposes.

17 II. LEGAL ARGUMENT

18 “Every court has the inherent power to stay causes on its docket with a view to
19 avoiding duplicative litigation, inconsistent results, and waste of time and effort by itself,
20 the litigants and counsel.” *Stern v. U.S.*, 563 F.Supp. 484, 489 (D. Nev. 1983) (citing
21 *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S. Ct. 163, 165, 81 L.Ed. 153 (1936),
22 (additional citations omitted)).

23 In the instant action, the State and Plaintiff have agreed upon a discovery plan
24 that would apply to the instant case, and have filed a Joint Discovery Plan and
25 Scheduling Order (ECF 48) for the Court’s approval. However, engaging in discovery
26 would be a waste of the parties’ resources and judicial resources if the Court grants the
27 MTC and permits the State to file dispositive motions.
28

1 A stay of proceedings would not prejudice any party. If the Court denies the MTC,
2 it may automatically lift any stay. However, if the Court grants the MTC and permits the
3 State to file a motion to dismiss, the Court may, in its discretion, impose the stay until
4 such motion(s) is/are resolved by the Court, or fully briefed by the parties.

5
6 **III. CONCLUSION**

7 For the reasons stated above, the Plaintiff and the State respectfully move for a
8 stipulated order to stay all proceedings in the instant action until after the Court rules on
9 the MTC and any subsequent motion(s) to dismiss filed by the State.

10 **RESPECTFULLY** submitted this 27th day of November, 2017.

11
12 /s/ Whitney C. Wilcher, Esq.
13 Whitney C. Wilcher, Esq.
14 THE WILCHER FIRM
15 8465 W. Sahara Avenue, Suite 111-236
16 Las Vegas, NV 89119
702-466-1959
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ADAM PAUL LAXALT
Nevada Attorney General

By: /s/ Lucas J. Tucker
Senior Deputy Attorney General
Mark J. Krueger (Bar No. 007410)
Chief Deputy Attorney General
*Attorneys for the Defendant-
Intervenor, State of Nevada*

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19 **IT IS SO ORDERED:**

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21 UNITED STATES MAGISTRATE JUDGE

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23 DATED: November 28, 2017

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Dated: November 27, 2017

ADAM PAUL LAXALT
Nevada Attorney General

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing **STIPULATED MOTION**
3 **AND ORDER TO STAY PROCEEDINGS** with the Clerk of the Court by using the
4 electronic filing system.

5 I certify that the following participants in this case are registered electronic filing
6 system users and will be served electronically:

7 Whitney C. Wilcher
8 E-mail: wcwilcher@hotmail.com
9 sydney@nevadaada.com
wcw@nevadaada.com

10 **AND/OR**

11 I certify that some of the participants in the case are not registered electronic filing
12 system users. For those parties not registered service was made by depositing a copy of the
13 above-referenced document for mailing in the United States Mail, first-class postage
14 prepaid, at Las Vegas, Nevada to the following unregistered participants:

15 GJS Group, Inc.
16 8080 S. Las Vegas Blvd.
17 Las Vegas, NV 89123

Dated: November 27, 2017

18
19 /s/ Dorianne Potnar
20 An employee of the
21 Office of the Attorney General
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